
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

RUBEN MAGANA,

Plaintiff,

versus

JOSEPH SMITH,

Defendant.

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CIVIL ACTION NO. 1:07-CV-203

**MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Ruben Magana, an inmate confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled civil rights lawsuit. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Plaintiff has filed a motion asking that his case be dismissed. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be granted and this lawsuit dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Plaintiff's motion to dismiss is **GRANTED**. A final judgment will be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 27th day of May, 2008.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE